



CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST-CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231, ON

OCTOBER 4, 2001

Marie G. Duden

Marie G. Duden

Attorney Docket No. 99-40117-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Peter C. Johnson

Serial No.: 09/388,904

Group Art Unit No.: 1631

Filed: June 23, 1999

Examiner: Lundgren, J.

For: METHODS FOR PROFILING AND MANUFACTURING TISSUE USING A DATABASE THAT INCLUDES INDICES REPRESENTATIVE OF A TISSUE POPULATION

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO THE OFFICE COMMUNICATION OF JUNE 4, 2001

Sir:

This Amendment is responsive to the Office Communication dated June 4, 2001 (Paper No. 12) (a copy of this Communication is attached herewith).

In the Communication, the Examiner noted that the claims in the Amendment filed on March 5, 2001 are drawn to a non-elected invention.

Applicant respectfully disagrees with this assertion and submits that the newly presented claims belong to the same invention as the originally presented claims. Applicant notes that the new claims do not recite a steps (B) and (C) of the originally presented claims. The fact that the new claims do not recite steps (B) and (C) of the originally presented claims does not make it a different invention and Applicant respectfully believes that the Examination of new claims does not impose an additional burden on the Patent Office. Accordingly, reconsideration and entry of the amendment filed on March 5, 2001 are respectfully requested.

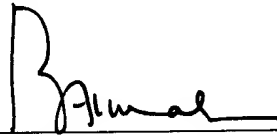
W18
P2
10/12/01

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OCT 15 2001
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This response is believed to be timely filed on October 4, 2001 with a three-month extension of time. A Petition for a retroactive three-month extension of time is filed concurrently herewith.

The Commissioner is hereby authorized to charge any fees which may be required by this paper to Deposit Account No. 18-0586.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Nanda P.B.A. Kumar', written over a horizontal line.

Nanda P.B.A. Kumar
Registration No. 44,853
Attorney for Applicant

October 4, 2001

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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09/338,904	06/23/99	JOHNSON	P 99-40117-US

HZ12/0604

DANIEL H GOLUB
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EXAMINER

LUNDGREN, J

ART UNIT PAPER

1631

12

06/04/01

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

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Commissioner of Patents and Trademarks

The amendment filed on March 5, 2001, canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because the originally presented claims were drawn to a method of engineering tissue sample, wherein the newly presented claims are drawn to a method for obtaining tissue information with steps for imaging and reducing the imaging information.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiries concerning the *merits* of this communication or earlier communications from the Examiner should be directed to Jeffrey S. Lundgren, whose telephone number is (703) 306-3221. The Examiner can normally be reached on Monday-Friday from 7:00 AM to 5:00 PM (EST).

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Dr. Michael Woodward, can be reached at (703) 308-4426.

Any inquiries of a *general* nature relating to this application should be directed to Ms. Pauline Farrier, Patent Analyst for Art Unit 1631, whose telephone number is (703) 305-3550.

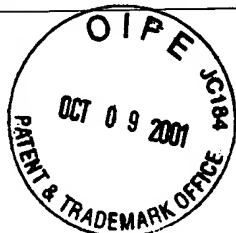
Papers related to this application may be submitted by facsimile transmission. Papers should be faxed to Group 1631 using (703) 308-0294. Please notify the Examiner of incoming facsimiles prior to sending papers to the aforementioned fax number. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG (November 15, 1989).

Jeffrey S. Lundgren, Ph.D.

JOHN S. BRUSCA, PH.D.
PRIMARY EXAMINER

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Marie G. Duden

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October 4, 2001

Commissioner for Patents
Washington, D.C. 20231

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OCT 15 2001
TECH CENTER 1600/2900

Re: Serial No.: 09/338,904
Applicant: Peter C. Johnson
Title: Methods For Profiling And Manufacturing Tissue Using A Database That Includes Indices Representative Of A Tissue Population
Filing Date: June 23, 1999
Docket No.: 99-40117-US

Dear Sir:

Enclosed for filing in connection with the above-referenced patent application are the following documents:

1. Response to the Office Communication of June 4, 2001;
2. Petition for Three Month Extension of Time;
3. Check in the amount of \$460.00 (small entity) to cover the Three Month Extension of Time;
4. A self-addressed stamped postcard, return of which is requested to acknowledge receipt of the enclosed documents.

Kindly acknowledge receipt of these documents by returning the enclosed self-addressed, stamped postcard to me. The Commissioner is hereby authorized to charge any additional fees required in connection with this filing to Account No. 18-0586.

Very truly yours,

Nanda P.B.A. Kumar
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